Does A Coherent And Stable Society Need Law? Essay, Research Paper

The role of law and the function of society has been a source of debate over centuries. As different forms of government, from tyranny to democracy are tried and questioned, the human need for both society and law has remained constant; both are so innately human that they are inseparable within human existence. Therefore it is impossible for a coherent and stable society to function without law.

Society originates in the idea that humans as individuals are not self sufficient; rather they are social animals united by common need. These are the material needs of economic self sufficiency and security, and at a higher level, social needs such as

Companionship. Therefore, in order for human kind to survive, some form of social-group structure must exist. The law serves as a means of controlling and regulating this social-group, or society. It is the enforceable body of rules that govern a society , a regime of adjusting relations and ordering human behaviour. By having law, society gains the boundaries and structure needed to be stable and coherent.

It is impossible to say that a secure and consistent social-group could exist without law. One of the characteristics of law, that it is an attribute of human beings explains why societies without laws have failed. These natural laws are inherent in us; they constitute our being, our whole being, physically, intellectually and morally. In effect they form the basis and fundamental conditions of our existence. Because law is an integral part of human nature, a coherent and stable society cannot function without it.

Although the influence of law on human lives could be argued as negative and constricting, hemming in and limiting our opportunities for spontaneous action, it can also be liberating. By preserving areas where

one can escape from public role playing into private spontaneity; by providing facilities and legal powers by which individuals can assert control of their own affairs; and by providing opportunities for individual self-assertion by which ordinary people can, not only protect their own interests, but can contribute to awareness and even solution of wider social problems as well; law provides us with the individual rights that humans seek by nature.

Freedom and Human Rights is as much a necessity for society as it is for the individuals who comprise it. Restrictions on liberty naturally cause oppositions within a society to arise. No political unit has existed without containing the disruptive forces of discontent, precisely because no political unit has existed which did not ultimately base itself on the ability to force the individuals within it to conform to the controlling elements. On the other hand, social units operated by cooperative and voluntary means have often succeeded in surviving over long periods without destructive internal strife. Their failure has resulted either from the attack of overpoweringly strong external forces, or from the cooperative units themselves adopting the authoritarian pattern of political bodies An example of this arose at the start of the Second World War among the English Pacifist communities. Generally speaking, the outside world was hostile, which created a feeling of intense isolation. This in turn forced the community to face inward, which, with the lack of privacy, meant that personal incompatibilities were dramatized and resentments became formidable. Again, it is made apparent that, if a society is going to function successfully long term, it must have laws that guide and protect it.

Anarchy is often suggested as an alternative form of society. Strictly speaking it means, without government: the state of a people without any constituted authority. At its best it pertains to society made orderly by good manners rather than law … at its worst, the word pertains to a terroristic resistance of all present government and social order. However in effect Anarchy relies on natural law as its means of regulation and control. Essentially, the anarchist believes that if man obeys the natural laws of his kind, he will be able to live at peace with his fellows. Natural law governs people in their original state. It provides people with the natural right to be free from the threat of violent death, enslavement, or theft of estate.

It can be said that law is to be based within a moral framework. That there are fundamental values that underlie the way law is applied, therefore founding law in moral principle. For example in Riggs v Palmer, the court decision that there was an overriding principle (in law) that a person could not benefit from their own wrong, showed that moral principles underpin our legal system; The Court is bound to apply these principles, even in the face of legal rules to the contrary. These are the moral rules born into every human and which form the basis for all societal structures.

In a lecture to Kings College, London on October 28 1931, Lord Atkin discussed the role that morals play in society. That although morality does not cover the exact same field, there is a significant amount of common ground.

He instanced: keeping promises, not injuring neighbours by defamation, not defrauding them nor injuring them be negligence. Lord Atkin stated that:

It is quite true that law and morality do not cover identical fields. No doubt morality extends beyond the more limited range in which you can lay down the definite prohibitions of law; but, apart from that, the British law has always necessarily ingrained in it moral teaching in this sense: that it lays down the standards of honesty and plain dealing between man and man These moral laws are such a fundamental part of human nature, that a coherent and stable society cannot function without them, and law seeks not to overthrow them.

It is important to note that a coherent and stable society is not necessarily a just society. For example Communism in its purest form seeks equality and law. Yet it mistakes uniformity for law and therefore becomes tyrannical and unjust.

A coherent and stable society could be defined as being logically ordered, and having clarity whilst remaining consistent without change or fluctuation. It does not, however, address civil liberties such as basic human rights and freedom, which is why law is required.

The concept of law is not consistent throughout the world. For example it is foreign to China, where the societal structure is based upon hierarchy. This structure applied from the entire state to the family unit. The command of one s superior ought to be unquestioningly obeyed. Thus, social ordering supplanted the need for law This is not however an example of a stable society functioning without law. If law is defined as regime of adjusting relations and ordering human behaviour, then the control of social ordering is merely a different application and type of law rather than not being law itself. People have again sought moral and legal guidelines as thier framework to live by.

Humans require food, shelter, and water to survive as an organism. Yet humankind is a political animal that needs economic self-sufficiency, security and companionship to exist, and law and society to house and protect this existence. Law and society is such integral part of human nature that, in effect, they are co-dependent, unable to exist without the other; it is for this reason that a coherent and stable society cannot function without law.